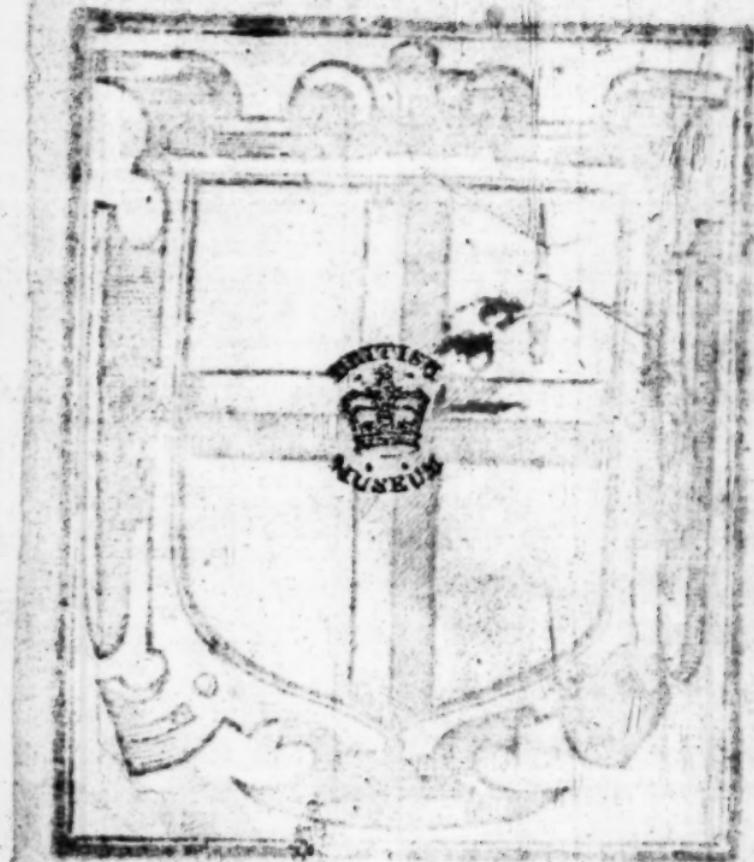


An Act for the Better  
Regulating Orphans

~~815 81~~  
~~40~~



Kentondon  
Common Council





(11)  
*Commune Concilium tenuit in Guildhall  
Civitatis London, decimo tertio die  
Octobris, Anno Regni EDVARDI  
Sexti, Dei gratia, Angliae, Franciae,  
& Hiberniae Regis, Fidei Defensoris,  
& in terra, Ecclesie Anglicanae &  
Hyperborea supreni Capitis, quinto;  
coram Andrea Judd, Milite, Majone  
Civitatis pred'; Richardo Laxton,  
Hows, Syll, Jervys, White, Turk,  
Hynde, Lyon, Kyrton, Ofley,  
Ayliff, Wyther, Huet, Robyns,  
&c., Lambd' Vic', ac maiore parte  
Communiar', &c. sic ordinat' fuit.*

**F**orasmuch as the City  
of London is of late  
years sore decayed, and

A 2 DAT=

daily is likely to decay more and more; A great Cause and Occasion whereof (amongst other) hath been, for that Free-mens Children, Orphans of the said City, sometimes in the Lives of their Parents, and sometimes after their Decease, being left wealthy and rich, do bestow themselves in ungodly Marriages for the most part in their young age at their own wills and pleasures, without the Consent and against the minds of their Friends, saying and affirming, that the Law and

and Custom of the said  
City giveth unto them their  
Portions, whether they  
marry by the Consent of  
their Friends or not; and  
so do daily cast away and  
undo themselves in trust  
to have their said Porti-  
ons, whether their Pa-  
rents or Friends will or  
will not; And thereby do  
bestow themselves upon  
simple and light Persons,  
having neither Cunning or  
Knowledge, Substance ne  
good or honest Conditions,  
by reason Whereof such  
Orphans inordinately and  
insolently do spend and

consume their Patrimony  
and Portions in short time,  
not only to the Undoing  
of themselves, and to the  
great ignominy and shame  
of their Friends, but also  
to the great Slander of  
the Lord Mayor and Al-  
dermen of this City, Who  
have been reputed and ta-  
ken as Fathers and Pro-  
tectors of the same Or-  
phans, and to the great  
Loss and Hindrance of  
the said City: And for-  
asmuch as the said Lord  
Mayor and Citizens have  
by their Laws and Cu-  
stoms, Power and Au-  
tho-

thority to make Laws  
and Ordinances by their  
Common Council for Re-  
dress of the same; It is  
therefore now (to the intent  
to reduce the same to a  
more godly, more profit-  
able, and decent Order and  
Conformity) by the said  
Lord Mayor and Common-  
alty and Citizens in this  
present Common Council  
assembled, and by the Au-  
thority of the same Com-  
mon Council, Ordained,  
Enacted, Authorized, and  
Established for a Law per-  
petually to be observed and  
kept Within the said City:

That if any Orphan or  
Child of any Free-man or  
Free-Woman of the said  
City do offend in any the  
things hereafter expressed,  
and be thereof lawfully con-  
victed before the Maior and  
Aldermen or elsewhere; That  
then they and every of them  
shall to all Intents, Pur-  
poses, Constructions, and  
Meanings be unabled and  
barred to demand and claim  
their Portion or Portions,  
and also shall lose and for-  
go, and be debarred for  
ever of all and every his,  
her, or their Part or Parts  
and Portions to him or  
them

them belonging by and af-  
ter the Death of his said  
Father or Mother of the  
Goods and Chattels of  
every such Father and  
Mother, by reason of any  
Law, Custom, Ordinance,  
Usage, Franchise, Pri-  
ledge, Act of Common  
Council, or other thing  
heretofore had or used With-  
in the said City, the same  
Law, Custom, Ordinance,  
or other thing whatsoever  
heretofore had, made, or-  
dained, allowed, and put in  
use to the contrary in any  
wise notwithstanding: that  
is to wit, first, if any Man.  
child

child or Woman-child shall maliciously go about or attempt to do or cause to be done any bodily Harm, Death, or Destruction to his or their Father or Mother; or if any Man-child do hereafter Marry or contract Marriage in the Life of his Father or Mother, by whom he will claim any Portion, under the age of One and Twenty years, without the Consent of his said Father or Mother, by whom he will claim any Portion: Or if any Woman-child do hereafter marry or contract Marriage in the

the Life of her Father or  
other Parent, by Whom she  
shall claim any Portion,  
before the age of Eighteen  
years, Without the Consent  
of her Father, or such other  
Parent, by Whom she shall  
or may claim any Portion;  
or if any Man-child be a  
Thief or a Felon, or com-  
mon Whore-haunter, or  
common Dicer, or a com-  
mon Player at unlawful  
Games notoriously known;  
or if any Woman-child  
shall hereafter commit any  
Whoredom, or be a com-  
mon Picker, then every of  
the Persons so offending  
shall

shall be barred and excluded to have or demand any portion.

Provided alwayes, that it shall be lawful for the Father or Mother of any such Child or Children to give and bequeath in Legacy to such Child or Children as much as the portion of such Child so offending shall amount unto by the Custom of the said City, and then such Child thereby to be enabled to have and demand the same as portion, this Act notwithstanding; so that the same Legacy be contained in his or their Estate.

stament in writing and not otherwise; and that then and from thenceforth his said Child or Children to be admitted and restored to claim such Legacy or Legacies in such sort, manner, and form as if there had been never any such Offence done or committed by any such Child.

Item, It is further Ordained, Enacted, Authorized, and Established by Authority aforesaid, That if any Woman-Child being an Orphan and under the age of Twenty One years, at any time hereafter, after the

the Death of her Father do  
ensure or contract herself  
in Marriage, or else accor-  
ding to the Ecclesiastical  
Lawes of this Realm, do  
perfectly solemnize or con-  
summate Marriage with  
any free-man of this City,  
the Consent and Agreement  
of the Lord Maior and Al-  
dermed of the said City of  
London for the same being  
not obtained and had; that  
then for every such Default  
and Offence committed or  
done by any Orphan or Or-  
phans of the said City, the  
same being confessed or suf-  
ficiently proved by two

Wit-

Witnesses or otherwise before the said Lord Mayor and Aldermen of this said City of London for the time being at or in a Court of Aldermen, She or they that so happen to behabe her or themselves as is aforesaid, shall forfeit, forgo, and lose twelve pence of and for every pound so due or to be due unto her or them by reason of such Orphanage, the sum of twelve pence of every pound to go or to be to the use of the Chamber of the said City, according to the antient Custom before this time in such case used;

and

and if the said Contract or  
Marriage of the said Or-  
phan or Orphans be made  
with any Foreign, not being  
free of this City at the time  
of any such Contract or  
Marriage made; that then  
the said Orphan or Or-  
phans and every of them  
shall forfeit and lose three  
Shillings of every pound due  
or to be due unto her or them  
by virtue of any Orphan-  
age or Custom had or used  
within the said City; the  
one Shilling of the said three  
Shillings of every pound to  
go or to be to the use of the  
Chamber of the said City

in such manner and form  
as is aforesaid, and the  
other two shillings so for-  
feited of every pound, to  
go to the use of such other  
Orphan or Orphans as  
then shall remain unmar-  
ried, or else for default of  
such Orphans or Orphan,  
to remain to the next of the  
kindred of the Orphan so  
offending.

Also, Be it further Ena-  
cted, Ordained, and Esta-  
blished by Authority afore-  
said, for and in discharge  
of divers Variances, Con-  
tentions, and Suits that  
daily heretofore have, and  
**W**hereafter

hereafter may ensue, That  
if any Freemans Child,  
Man or Woman, fortune  
to be married hereafter in  
the Life-time of his or their  
Father, by his Consent,  
and not fully advanced of  
and to his or her full Part  
or Portion of his or her said  
Fathers Goods as he shall  
be Worth at the time of his  
Decease, according to the  
antient Laws and Cu-  
stoms of this said City;  
that then every such free-  
mans Child so being mar-  
ried in the Life-time of his  
or her Father, shall be to  
all intents and purposes  
disabled

disabled to demand any further Part or Portion of his or her Fathers Goods after the Decease of his or her Father, but shall be adjudged, reputed, or taken to be fully advanced according to the Law and Custom of this City hath been long time out of mind: Except his or her said Father do mention certainly in his last Will or Testament, or by some other Writing signed with his own proper name or mark, the certainty of the Sum or Sums of Money, Goods, and Chattels, and the va-

me of them that the Father  
gave, paid, or departed with-  
al, or otherwise assured,  
or hereafter shall give, pay,  
depart withal, or other-  
wise make assurance of un-  
to him or her, before at or  
after the Marriage of him  
or her, or otherwise in his  
Life-time for and towards  
their Advancement in the  
name of his or her Part  
or Portion; and then ebe-  
ry such Orphan or Child  
which after the Decease  
of his or her said Father,  
can bring forth the said  
Testament or other Wri-  
ting signed or marked with  
the

the Fathers Hand or Part,  
wherein the certainty of  
such Money, Goods, or  
Chattels as they gave or  
shall have received of their  
said Father, or by the same  
Father assured by especi-  
ally or otherwise, shall have  
as more of the ready Mo-  
ney, Goods, Chattels, and  
Debts of the said Father,  
as with that which he  
or they shall have received  
towards their Advance-  
ments in the Life of their  
said Father shall make up  
a full Childs Part of his  
Goods and Chattels as he  
shall be worth at the time

of his Decease; the same  
to be demanded, asked, and  
claimed, or sued for against  
the Executor or Executors  
Administrator or Adminis-  
trators of the Goods and  
Chattels of the said Father,  
by Bill original to be com-  
menced in our Sovereign  
Lord the King's Court  
holder in the upper Cham-  
ber of the Guildhall of the  
said City before the said  
Lord Mayor and Alder-  
men of the same City for  
the time being; any Law  
or Custom heretofore made  
or used to the contrary  
notwithstanding; in which

Action

Action no Wager of Law  
or Essoin shall be admitted.  
or allowed.

Provided always, and  
it is further Enacted, That  
if any freemans Son being  
of full age, which shall  
hereafter be married with  
the Consent of his Father,  
or any other Person being  
of full age, which shall here-  
after marry any freemans  
Daughter do at the time of  
the Espousals, or at any  
time after, confess them-  
selves by Writing fully  
satisfied of his or their Hor-  
tior, or do otherwise acquit  
or discharge the said Father

of such freemans Sons or  
Daughters of all their Part  
and Portion due or to be  
due by the Law and Cu-  
stom of the City, that then  
every such Person so con-  
fessing, acquitting or other-  
wise discharging, shall be re-  
puted and taken as fully ad-  
vanced of his or their whole  
Part or Portion, and shall  
not be able to demand any  
further or greater Part of  
the Substance, Goods, and  
Chattels of his or her Fa-  
ther, this Law or any other  
Law or Custom heretofore  
had, made, or used to the  
contrary notwithstanding.

And

And further forasmuch  
as it is thought very pre-  
judicial and hurtful to the  
fatherless Children and Or-  
phans when the Mother or  
Mother in Law being Exe-  
cutrix of the last Will and  
Testament of her late hus-  
band, by whom and after  
whose Death the Orphans  
are entituled to an Orpha-  
nage according to the lau-  
dable Customs and Ordin-  
ances of this City, do di-  
vers times marry or con-  
tract Matrimony, some  
with Forreiners and Per-  
sons unknown, and some  
with Freemen, or ever a  
just

full Inventory of the Goods,  
Chattels, Plate, Jewels,  
ready Money of the Testa-  
tors be by them brought in,  
by reason whereof many  
times they either for fear or  
affection of their husbands,  
or for some other sinister  
cause, do bring in very sus-  
picous Inventories omit-  
ting therein either ready  
Money, Plate, Jewels, or  
Debts or some other thing  
or things whereby some  
Benefit should redound to  
the fatherless Children to  
the great Loss and hin-  
drance of the Orphans, and  
sometyme Slander to the  
**Lord**

Lord Mayor and Aldermen  
 of this City, notwithstanding  
 the great Care and  
 Travail that they take for  
 the good ordering and true  
 answering of the said Dra  
 phans: It is therefore by  
 like Authority Ordained,  
 Established and Enacted,  
 that if, after the first day of  
 November next ensuing, any  
 Widow which is or shall  
 be made Executrix of the  
 Testament and last Will of  
 her late Husband being a  
 Freeman, or shall take upon  
 her the Administration of  
 the Goods and Chattels of  
 her late Husband being a  
 Free-

Freeman, do not upon her  
Oath bring in and exhibite,  
or cause to be brought in  
and exhibited before the  
Lord Mayor and Aldermen  
of this said City for the  
time being, at and in a Court  
of Aldermen, a just and per-  
fect Inventory to their  
knowledge of all the Goods,  
Chattels, Plate, and Jew-  
ells, ready Money, and Debts  
as were her said Husbands  
at the time of his Death,  
appraised according to the  
Law of the said City, be-  
fore she do ensure herself in  
Marriage or contract Mar-  
riage, or else according to  
the

The Laws of the Realm,  
do perfectly solemnize or con-  
summate Marriage With  
any Person before such time  
as aforesaid, that then every  
Person so offending shall  
forfeit and lose eight Shil-  
lings of every pound of her  
Portion of the Goods of her  
late Husband due to her by  
the laudable Customs of  
this said City, the same to  
go to the use of such Orphan  
or Orphans as then shall  
be entitled to have or de-  
mand any Orphanage or  
Portion after the Death of  
his or her late Father, the  
same to be demanded, asked,  
claimed,

claimed, or sued for against  
such Executrix or Adminis-  
tratrix by Bill original of  
Debt to be commenced in  
our Sovereign Lord the  
King's Court holden in the  
inner Chamber of the Guild-  
hall of the said City before  
the Lord Mayor and Al-  
dermen of the same City  
for the time being, any  
Law, &c. In which Action  
no Master, &c.




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Printed by Andrew Clark, Printer  
to the Honourable City of London, 1671.

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